

Reply Under 37 C.F.R. §1.116
Expedited Procedure - Group Art Unit : 2171
Application No. 09/852,877
Filed: 5/10/2001
Attorney Docket No.: 23140-1

REMARKS

Claims 1, 7-10, 12-14, 19 and 34 are now presented for examination. Claims 1 and 12 have been amended. Claims 2, 4, 5 and 11 have been cancelled without prejudice and without disclaimer of subject matter. No new subject matter has been added.

On page 2 of the Office Action, Claims 1-2, 4-5 and 7-11 are rejected under 35 U.S.C. §112, first paragraph, as failing to provide support in the written description for the term "user's act of voting". Applicant respectfully traverses this rejection. A feature of Claim 1 is that the "unique identifier [is] assigned based on a user's act of voting." A reading of the specification as well as the teachings of at least FIGS. 2 and 2A make it clear that the unique identifier is assigned to a user's vote and is based on the voting act (as opposed to being assigned to the user himself or herself prior to the voting act). By way of non-limiting example, the specification at least at paragraphs [0034] et seq. and, in particular paragraph [0034], describes the voting process of the present invention in a manner which clearly sets out that the unique identifier is assigned during the voting act. In accordance with the present invention, the assignment of the unique identifier occurs after the voter has been validated. Certainly, the creation of the ballot for the voter is part of the overall voter voting process and is hence part of the "user's act of voting".

On page 2 of the Office Action, Claims 1-2, 4-5, 7-14, 19 and 34 are rejected under 35 U.S.C. §112, second paragraph, on the grounds that it is not clear whether or not the terms "multiple unique identifier" in Claim 1 refer to the same identifier. Although the Office Action does not specifically state whether or not the identifier terms in independent Claim 12 are likewise unclear, Applicant has nevertheless amended both independent Claim 1 and

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For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1, 7-10, 12-14, 19 and 34 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

This Amendment After Final Rejection is believed clearly to place this Application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. §1.116. In any event, however, entry of this Amendment After Final Rejection, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that any issues remain outstanding, the Examiner is encouraged to telephone the undersigned to resolve such issues and discuss any matter that would expedite allowance of the present Application.

Respectfully submitted,

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independent Claim 12 to address this rejection. The amendments to Claims 1 and 12 having been made, this rejection is believed to have been addressed and the withdrawal of this rejection is earnestly requested.

On page 2 of the Office Action, Claims 1-2, 4-5 and 7-11 are rejected under 35 U.S.C. §112, second paragraph, on the grounds that the term "choices as printed" in Claim 1 indefinite because no other step in Claim 1 refers to a printing operation. Claim 1 has been amended to recite a printing operation. Accordingly, this rejection is believed to have been addressed and the withdrawal of this rejection is earnestly requested.

On page 3 of the Office Action, Claims 12-14, 19 and 34 are rejected under 35 U.S.C. §112, second paragraph, on the grounds that it is unclear as to "how the voter can verify 'the second tangible' record before it is collected so that the voter can confirm the second tangible record". Initially, the Applicant points out that there was no "verifying" step in Claim 12 as presented in Applicant's prior response and there is currently no "verifying" step in Claim 12 as currently amended. Nevertheless, Claim 12 has been amended to clarify the voter vote confirmation process. Accordingly, this rejection is believed to have been addressed and the withdrawal of this rejection is earnestly requested.

Claims 7-10, 13-14, 19 and 34 are each dependent either directly or indirectly from one or another of independent Claims 1 and 12, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

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